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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/248,077	02/10/1999	DAVID J. LADD	1298/0E486	8370

2292 7590 03/13/2003

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EXAMINER

SALAD, ABDULLAHI ELMI

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/248,077

Applicant(s)

LADD, DAVID J.

Examiner

Salad E Abdullahi

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-16, 27-30 and 35-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-16, 27-30 and 35-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**Detailed Action**

***Continued Prosecution Application***

1. The request filed on 1/10/03 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/248,077 is acceptable and a CPA has been established. An action on the CPA follows.
2. Applicant's arguments with regard to claims 12-16, 27-30 and 35-58 have been fully considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-16, 27-30 and 35-58, are rejected under 35 U.S.C. 103(a) as being unpatentable over Behr et al U.S. Patent No. 5,543,789, in view of Funk U.S. Patent No. 5,793,497.

As per claims 12 and 27, Behr et al discloses a system for communicating with a wireless information device comprising the steps:

- receiving an information request (route guidance or route direction), (see fig. 1, the abstract and col. 5, line 66 to col. 6, line 13);

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receiving a device identification from a wireless device ( to receive a response to the information request a device identification would have been obviously included with the information request ). For example it would have been obvious the remote unit (pager 20) to provide the base unit a device identification which should receive response to the information request (see also col. 12, lines 24-37).

- accessing an informational database with the information request (see fig. 1, element 72);
- receiving from the informational database text format information in response to the request (see abstract);

Behr et al does not explicitly disclose:

processing the text format with text-to-voice processor to generate an audio representation to the responsive information and sending the audio representation in mailbox.

Funk, discloses a messaging system, including a translation facility (220) that provides subscriber services such as text-to-voice translation. The audio representation generated by the translation facility is further transmitted or stored in a subscriber voice mailbox (see figs. 1 and 2, elements 110, 220 and col. 3, line 36 to col. 4, line 56). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Funk to modify Behr et al to include the translation services as taught by Funk, in order to enable the users of the system to retrieve their messages in an audio format at a later time at the their convenience.

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- In considering 13-14, Behr et al discloses a system, wherein the information request contains plurality of geographic locations and the responsive information comprises driving direction between locations (see col. 3, line 51-67).
- In considering claims 15 and 40-41, Behr et al discloses a system, wherein the driving directions are provided in text or graphic format (see col. 3, line 51-67).
- in considering claims 28 and 29, Behr et al discloses a system, wherein the receiver comprises a computer server (see col. 3, line 46 and col. 4, lines 6-20).
- In considering claim 35, Funk, discloses recording the audio message in the mailbox for later retrieval (see element 110, the voice mail service which obviously stores voices messages for later retrieval)
- As per claims 36, 44, 49 and 55. The claims recite limitations analogous to those limitation recited in claims 12 and 27, further reciting: receiving a voice call from a person desiring information (see Funk, figs. 1 and 2, elements 110, 220 and col. 3, line 36 to col. 4, line 56) and fig. 1, elements 100, where information source would obviously be with any format (voice or text).
- In considering claims 37, 45, 50-51 and 56, Behr et al discloses the first information or the query includes an identifier which uniquely identifies the portable device (see col. 12, lines 24-36).
- In considering claims 38-39 and 46-47, 52-53 and 57, Behr et al further discloses the query or the first information includes routing information (see col. 11, lines 5-12).

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- in considering claim 43, Behr et al., further discloses the step of accessing the informational database occurs over a dedicated line(see fig.1).

In considering claims 16, 30, 42, 48, 54 and 58, Funk discloses a system for accessing an informational database over a network, in particular the Internet obviously HTTP emulation the communications network through which the informational database is accessed includes Internet (see figs. 1 and 2, elements 110, 220 and col. 3, line 36 to col. 4, line 56).

### CONCLUSION

5. The prior art made of record and relied upon is considered pertinent to the applicants disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abdullahi E. Salad** whose telephone number is **(703) 308-8441**. The examiner can normally be reached on Monday to Friday from **8:30 AM to 5:00 PM**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Etienne, Ario** can be reached at **(703)308-7562**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703)305-3900**.

**Any response to this action should mailed to:**

Box AF

Commissioner of Patents and Trademarks

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Washington, DC 20231

**or faxed to:**

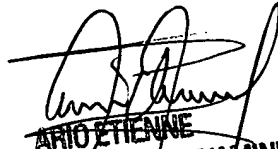
(703) 746-7238, (after final communications)

(703) 746-7239, (Official communications)

(703) 746-7240, (Non-Official/Draft).

As

03/08/03

  
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